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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/674,134
Filing Date: September 29, 2003
Appellant(s): SANSONE ET AL.

MAILED

DEC 31 2007

GROUP 3600

Mr. Ronald Reichman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03 October 2007 appealing from the Office action mailed 11 May 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

US Patent Application No. 10/673,794

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,120,610	Brookner et al	10-06
2003/0115162	Konick	6-2003
2003/0009351	Wade	1-2003
2004/0188522	Ashaari	9-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610].

As per **claim 1**, Kadaba discloses a method comprising the steps of: a sender metering, by a sender, mail that is being deposited with a first carrier [0053]; transmitting from the meter data center to a first carrier meter payment center the funds attributable to the first and second carriers; and transmitting from the first meter payment data center to the second meter payment data center the funds attributable to the second carrier [0098]. Kadaba does not explicitly disclose a first carrier located in a first country and a second carrier located in a second country. However, it is obvious

that the carriers can be located in any country because the payments are made and transmitted electronically. It has been well established that communicating to someone electronically can take place any where in the world. Furthermore, it is well known by one of ordinary skill in the art at the time of the invention that mail is delivered internationally using more than one shipper. For example, a package being delivered from the US to France would utilize the services of the USPS for initial handling and La Poste (French Postal Service) for final delivery. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include a first carrier located in a first country and a second carrier located in a second country to be able to accommodate more customers thereby increasing revenue. Kadaba does not disclose charging a sender's meter and transmitting the funds charged to the meter to a meter data center; and transmitting from the meter data sender funds attributable to the carrier. However, Brookner et al discloses the meter data center communicates with sender franking machine to obtain transaction records to account for postage consumption [col 6, lines 7-24]. Brookner et al further discloses the meter data center initiates payment to a first carrier by transmitting the postage franked by the meter to a settlement center to initiate funds transfer to a carrier [col 8, lines 6-11]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Brookner et al. Brookner et al provides the motivation that as a result, no fund is tied up in a descending register in a franking system, and suggests that the need of use of the descending register may be completely obviated [col 2, lines 16-25].

As per **claim 2**, Kadaba does not explicitly disclose wherein the funds attributable to the first country carrier are determined by the following steps: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith. However, Kadaba discloses checking weights and size to monitor for discrepancies for adjustments to a carrier [0029]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith so that the carrier does not lose revenue.

As per **claim 4**, Kadaba does not explicitly disclose wherein the funds attributable to the second country carrier are determined by the following steps: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith. However, Kadaba discloses checking weights and size to monitor for discrepancies for adjustments to a carrier [0029]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith so that the carrier does not lose revenue.

As per **claim 8**, Kadaba further discloses further including the step of: placing a unique identification number on the mail to uniquely identify the mail [0062].

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610] as applied to claim 2 and 4 above, and further in view of Konick [US 2003/0115162].

As per **claims 3 and 5**, Kadaba does not disclose further including the step of determining the special services requested and the cost associated therewith. However, Konick discloses charging a sender for special handling of a mail item [0167]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Knonick so that the carrier does not mishandle mail and lose revenue.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610] as applied to claim 1 above, and further in view of Wade [US 2003/0009351].

As per **claim 6**, Kadaba does not explicitly disclose further including the steps of: scanning the mail when the mail leaves the first country; and scanning the mail when the mail arrives in the second country, whereby funds are transferred from the first meter payment data center to the second country meter payment data center when mail is scanned in the second country. However, Wade discloses scanning the mail when it arrives at a first carrier associated with a first domain and scanning the mail when it is

handed off to the second carrier associated with a second domain [0030] to determine a payment balance [0034; see Fig. 2]. Wade further discloses scanning mail when received in a foreign country [0039]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Wade. Wade provides the motivation that delivery services can mutually track deliveries of mail and delivery performance [0013].

As per **claim 7**, Kadaba further discloses further including the step of: placing a unique identification code on the mail to uniquely identify the mail [0062].

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 2004/0215480] in view of Brookner et al [US 7,120,610] as applied to claim 1 above, and further in view of Wade [US 2003/0009351] and Ashaari [US 2004/0188522].

As per **claim 9**, Kadaba does not explicitly disclose further including the steps of: scanning the mail when the mail leaves the first country; scanning the mail when the mail arrives in the second country; and notifying the sender when the mail arrives in the second country. However, Wade discloses scanning the mail when it arrives at a first carrier associated with a first domain and scanning the mail when it is handed off to the second carrier associated with a second domain [0030] to determine a payment balance [0034; see Fig. 2]. Wade further discloses scanning mail when received in a foreign country [0039]. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to modify the invention of Kadaba to include the method disclosed by Wade. Wade provides the motivation that delivery services can mutually track deliveries of mail and delivery performance [0013]. Furthermore, Ashaari discloses performing in-process scans of a mail item and notifying sender of the shipment status [0077]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Wade including notifying the sender when the mail arrives in the second country so that the sender knows that the mail was delivered.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610], Wade [US 2003/0009351] and Ashaari [US 2004/0188522] as applied to claim 9 above, and further in view of Official Notice.

As per **claim 10**, Kadaba does not explicitly disclose further including the steps of: delivering the mail to the recipient; and notifying the sender of the recipient's receipt of the mail. However, the Examiner takes Official Notice that it is old and well known at the time of the invention in the postal industry to deliver mail to a recipient and notify the sender of the recipient's receipt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include delivering the mail to the recipient; and notifying the sender of the recipient's receipt of the mail so that the sender knows that the mail was delivered.

(10) Response to Argument

A. Claims 1, 2, 4, and 8, rejected under 103 (a) as unpatentable over Kadaba in view of Brookner et al

Appellant argues (on page 11 of Appeal Brief), "The art cited by the Examiner does not disclose or anticipate the following steps of Claim 1, namely transmitting from the meter data center to a first carrier meter payment data center located in the first country the funds attributable to the first and second carriers; and transmitting from the first meter payment data center to the second meter payment data center located in the second country the funds attributable to the second carrier." Examiner disagrees.

First, Examiner notes that Kadaba discloses the following in paragraph [0103].

"Payment by the shipper 11, preferably electronically by the shipper computer system 20, is transmitted to the first carrier billing system 225. The first carrier billing system deducts the charges for the first carrier's services (which may also include charges required by the line-haul carrier 13) and forwards the remaining amount, preferably electronically, to the escrow account 229. Advantageously, the escrow account is available for debit by the second carrier at any time, further bolstering the second carrier's confidence that compensation is being received for its delivery services." [0103]

Thus, Kadaba transmits payment from a shipper computer system (i.e., meter data center) to a first carrier billing system (i.e., first carrier meter payment data center) where charges due to the first carrier are deducted from the total transmitted amount. Kadaba further discloses that the remaining amount is transferred to an escrow account which transfers the remaining balance to the second carrier (i.e., second carrier meter

payment center) when requested by the second carrier. Thus, charges attributed to the first and second carrier are transferred to the first carrier center and funds attributed to the second carrier are transmitted from a first carrier via an escrow account. Examiner would also notes that a meter data center is nothing more that a location or computer from which payments are made and/or transmitted between entities.

Secondly, Kadaba disclose, "A system 10 for combining the shipping services of multiple carriers "the shipping system") of one embodiment of the present invention is shown in FIG. 1. The shipping system ships packages (used herein to refer to any item being delivered, for example, parcels or mail), from a shipper 11 to a consignee or recipient 12. The shipping system 10 has a variety of physical facilities for facilitating delivery of packages (movement of which is indicated by the solid lines), including line haulers 13, a sorting hub 14, a preload facility 15 and carrier delivery facilities (vehicles, personnel, etc.) 16, each of which are preferably operated by a first carrier, as shown in FIG. 2. A second carrier (e.g., the USPS), operates its own destination delivery unit 17 and carrier delivery facilities 18, which in the case of the USPS are local post offices and mail delivery personnel, vehicles, etc. The conventional operation of such USPS systems is well known" [0049]. Since Kadaba discloses a multiple carrier system that uses the United States Postal Service (USPS) and a secondary carrier that transit payments electronically between data centers, it is obvious that the first carrier can be located in a first country. Thus, the Examiner asserts that carriers can be located in any country because the payments are made and transmitted electronically since it has been well established that communicating to someone electronically can take place any

where in the world. Furthermore, it is well known by one of ordinary skill in the art at the time of the invention that mail using more than one carrier to deliver a package is common when shipping mail internationally. For example, a package being delivered from the US to France would utilize the services of the USPS for initial handling and La Poste (French Postal Service) for final delivery. These assertions by the Examiner of how international delivery works are also supported by paragraph [0003] that have been reproduced below from Appellant's specification.

"The Universal Postal Union has a complex system that administers contracts between member post offices relating to terminal dues paid between and among different post offices. Terminal dues are the payments made between national postal administrations to cover the costs of handling and delivering international mail. Rates are established by the Universal Postal Union and through bilateral and multilateral agreements. Typically, a post office will charge another post office for the delivery of mail to a recipient within its jurisdiction. For instance, if mail is sent from the United States to the United Kingdom, the United States post office will deliver the mail to the Royal Mail, and the Royal Mail will deliver the mail to the recipient. At the end of a predetermined time, the United States post office and the Royal Mail will tabulate, by weight, all of the mail each post office delivered for the other post office and calculate how much money one post office owes to the other post office." [0003]

Thus, the Appellant's claimed limitations of "transmitting from the meter data center to a first carrier meter payment data center located in the first country the funds attributable to the first and second carriers; and transmitting from the first meter payment data center to the second meter payment data center located in the second country the funds attributable to the second carrier" are obvious based on the disclosure of Kadaba and Appellant's own admissions.

In addition Examiner would like to note that although Kadaba does not explicitly teach the limitations of charging a sender's meter for mail that is being deposited with a first carrier (Brookner et al is relied upon for this teaching), Kadaba discloses metering packages in paragraphs [0006] and [0053] as noted below.

"Preprocessing for other mail services, and in particular non-bulk mail services wherein the mail pieces are not homogenous, requires more sophisticated forms of communication with the USPS. For instance, the preprocessing facilities may include computerized scales for determining the weight of each mail piece, metering devices for determining the postage amounts corresponding to the mail piece weights and marking devices for placing certification stamps on the mail piece. Each of these devices can be connected to the USPS via a telephone link that allows the USPS to interrogate the devices" [0006].

[0053] "The shipper's computer system 20 has software distributed by the first carrier making it configured to record the PLD information necessary to sort, meter and ship each of the packages. In one example, the computer system 20 of the shipper 11 is connectable over the network 21 to a web server (not shown) of the first carrier computer system 22. The web server of the first carrier computer system is configured to send data across the network to display web pages on the shipper computer system 20. Alternatively, the shipper 11 could be directly equipped with software downloaded from the first carrier computer system 22, or sent on media by the first carrier for installation on the shipper computer system 20" [0053].

Furthermore, by Appellant's own admissions in paragraph [0019] (reproduced below), the mail is not limited to flats and letters, but may also include packages that are to be delivered using multiple carriers.

"Fig. 1B is a drawing of mail containing a common carrier indicia and Royal Mail postal indicia. This type of mail is used for mail that is deposited with a common carrier in the United States and delivered to the recipient by the Royal Mail in the United Kingdom. Mail 41 may be a letter, flat, or package, etc. Mail 41 has a recipient address field 42, a sender address field 43, carrier indicia 44, carrier bar code 45, Royal Mail postal indicia 46 and unique identification code 50. Royal Mail postal indicia 46, includes bar code 47, meter number 18, the price of United Kingdom postage 49, and unique number 50."

Thus, Kadaba teaches mail that is metered and deposited with a first carrier to be delivered by a second carrier.

B. Claims 3 and 5 rejected under 103 (a) as unpatentable over Kadaba in view of Brookner et al and Konick

Appellant argues (on page 13 of Appeal Brief), "While Konick may charge a sender for a special handling of a mail item, Konick does not disclose or anticipate paying a first carrier only for the funds attributable to the costs of the first carrier as claimed in claim 3". Examiner disagrees on Appellant's depiction of what is claimed in claim 3. Claim 3 specifically recites the limitation, "the method claimed in claim 2, further including the step of determining the special services requested and the cost

associated therewith.” Although claim 2 requires that the steps of determining the size of the mail, class of the mail, weight of the mail, and cost associated therewith to determine the funds attributable to the first country carrier, claim 3 only requires determining the special services requested and the cost associated therewith. No where in claim 3 is there even a mention of paying a first carrier for special handling. Furthermore, Kadaba discloses, “Payment by the shipper 11, preferably electronically by the shipper computer system 20, is transmitted to the first carrier billing system 225. The first carrier billing system deducts the charges for the first carrier's services (which may also include charges required by the line-haul carrier 13) and forwards the remaining amount, preferably electronically, to the escrow account 229. Advantageously, the escrow account is available for debit by the second carrier at any time, further bolstering the second carrier's confidence that compensation is being received for its delivery services” [0103]. Thus, Kadaba discloses paying a first carrier for his services as well as paying a second carrier for his service. Since Konick discloses charging for special services and Kadaba discloses a paying carrier for the services that he performs, it would be obvious to pay a first carrier for the special handling performed by the first carrier.

Appellant further argues (on page 14 of Appeal Brief), "Konick does not disclose or anticipate paying a second carrier for the funds attributable to the second carrier as claimed in claim 5". Based on the same reasoning above for the rejection of claim 3, the Examiner asserts that the rejection of claim 5 is proper.

C. Claims 6 and 7 rejected under 103 (a) as unpatentable over Kadaba in view of Brookner et al and Wade

Appellant argues that Wade does not disclose or anticipate transferring funds from the first meter payment data center to the second country meter payment data center when mail is scanned in the second country. Examiner notes that Appellant's claim 6 reads, "scanning the mail when the mail leaves the first country; and scanning the mail when the mail arrives in the second country, whereby funds are transferred from the first meet payment data center to the second country meter payment data center when mail is scanned in the second country." To this, Examiner submits that Wade discloses scanning the mail when it arrives at a first carrier associated with a first domain and scanning the mail when it is handed off to the second carrier associated with a second domain [0030] to determine a payment balance [0034; see Fig. 2]. Wade further discloses scanning mail when received in a foreign country [0039]. Although Wade does not explicitly disclose "*whereby* funds are transferred from the first meet payment data center to the second country meter payment data center when mail is

scanned in the second country," the limitation holds little patentable weight because the limitation is only the intended result of the positively recited steps being performed.

Appellant further argues that the cited art does not disclose or anticipate placing a unique identification code on the mail to uniquely identify the mail. However, Examiner submits that Kadaba discloses, "Alternatively, **the barcode 37 could also be an alphanumeric code, or other symbol, that is unique to the package.** It should be noted that in the illustrated embodiment of the label 25 the first and second carrier tracking numbers are included on the label which allows the two numbers to be associated with each other in a database in at least the first carrier computer system 22. The presence of both tracking numbers on the label and stored in a common system facilitates communication between the two carrier computer systems 22, 23, as well as providing consolidated tracking information to authorized persons. Parcel select indicia 38, which is adjacent to the recipient address 36, indicates that the first carrier will pay the postage for delivery by the second carrier (USPS). In another embodiment, the combination label 25 may have a different format (as shown in FIG. 13) and can also include an alphanumeric delivery confirmation code 46 in addition to the barcode 37" [0062]. Furthermore, in paragraphs [0060-0061] and Figure 3, Kadaba discloses in more detail the label that is affixed to each package for delivery. Thus, Kadada discloses placing a unique identification code on the mail.

D. Claim 9 rejected under 103 (a) as unpatentable over Kabada in view of Brookner et al, Wade, and Ashaari

Appellant argues that the cited art does not disclose or anticipate where the sender is notified when the mail piece arrives in the second country. Examiner submits that Wade discloses scanning a mail piece when handed off as discussed above with respect to the arguments in regards to claim 6 above. [0030]. Further, Ashaari discloses, "FIG. 11 is a flowchart of an induction and tracking method consistent with the present invention. At stage 1110, the system receives electronic mailing information from mailer and stores the information. At stage 1120, mailer has delivered the shipment and the system performs an induction scan. The system scans the encoded shipment identifier, matches it with the stored electronic mailing information, and notifies mailer of induction a step known as "Start the Clock". At stage 1130, the system may perform one or more in-process scans and matches, notifying mailer of the shipment status. At stage 1140, the last scan occurs and notification is made to mailer of the last scan. This stage is known as "Stop the Clock" [0077]. Since Wade discloses scanning the mail when it is handed off and Ashaari discloses scanning mail-in process and notifying the shipper of the mail status, the combination of the references yield the predictable result of notifying a sender when a mail piece arrives in a second country.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

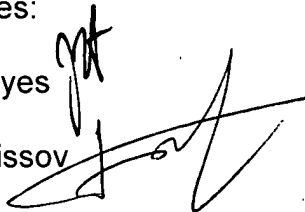
Respectfully submitted,

Shannon Saliard

Conferees:

John Hayes

Igor Borissov

Handwritten signatures of John Hayes and Igor Borissov. John Hayes' signature is a stylized 'JH' and Igor Borissov's signature is a stylized 'IB'.Handwritten signature of John W. Hayes and a stamp. The stamp reads "JOHN W. HAYES" and "SUPERVISORY PATENT EXAMINER".